Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 1 of 13

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

13-34828

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Deptor(s): Dolly Anne Vaugnan	Case No:
This plan, dated September 6, 2013, is:	
the <i>first</i> Chapter 13 plan filed in a modified Plan, which replace □ confirmed or □ unconfirmed	s the
Date and Time of Modified Pla	an Confirming Hearing:
Place of Modified Plan Confirm	mation Hearing:
The Plan provisions modified by this	filing are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$139,358.00

Total Non-Priority Unsecured Debt: \$28,053.30

Creditors affected by this modification are:

Total Priority Debt: **\$0.00**Total Secured Debt: **\$122,056.00**

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 2 of 13

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- **1. Funding of Plan.** The debtor(s) propose to pay the trustee the sum of \$200.00 Monthly for 48 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 9,600.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$\(\frac{2,911.00}{} \) balance due of the total fee of \$\(\frac{3,000.00}{} \) concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u> <u>Type of Priority</u> <u>Estimated Claim</u> <u>Payment and Term</u>

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 3 of 13

C. Adequate Protection Payments.

13-34828

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor

Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor

Collateral

Approx. Bal. of Debt or "Crammed Down" Value

Interest Rate

Monthly Paymt & Est. Term**

-NONE-

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- B. Separately classified unsecured claims.

Creditor -NONE-

Basis for Classification

Treatment

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 4 of 13

- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term 4 8 2 8 Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

Creditor	Collateral	Regular Contract	Estimated Arrearage	Arrearage Interest Rate	Estimated Cure Period	Monthly Arrearage
Bob Whitaker Motors	1998 Chrysler Town & Country	Payment 202.00	0.00	0%	0 months	Payment
	SX - 156,000 miles - good condition - KBB Value					
Franklin Credit Management	Tax Map # 776-748-4925 : Residence at 2901 Putney Road, Henrico, VA 23228-5041 (County of Henrico) TAV \$157,700 FMV \$135,000* *Repairs: collapsed bathroom floor, needs new rugs, paint, general clearnup, appliances are not updated	603.91	5,000.00	0%	27 months	Prorata
	LIQ					

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	Collateral	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 5 of 13

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory 4828 contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Monthly
Payment Estimated
Creditor
-NONE
Monthly
Payment Estimated
for Arrears
Cure Period

- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 6 of 13

Signatures:				13-34828
Dated: Sept	ember 6, 2013			
/s/ Dolly Anne \ Dolly Anne Vau Debtor			/s/ Brett Alexander Zwerdling Brett Alexander Zwerdling 39 Debtor's Attorney	
Exhibits:	Copy of Debtor(s)' Budg Matrix of Parties Served			
I certify that on _ Service List.	September 6, 2013 , I	Certificate of Service mailed a copy of the foregoing to the	ne creditors and parties in interest	on the attached
		/s/ Brett Alexander Zwerdling Brett Alexander Zwerdling 3956 Signature	9	
		5020 Monument Avenue Henrico, VA 23230 Address		
		804-355-5719 Telephone No.		

Ver. 09/17/09 [effective 12/01/09]

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 7 of 13

B6I (Off	cial Form 6I) (12/07)			13-34828
In re	Dolly Anne Vaughan		Case No.	13-34626
		Debtor(s)		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: DEPENDENTS OF DEBTOR AND SPOUSE				
Single	RELATIONSHIP(S): None.	AGE(S):		
Employment:	DEBTOR	SI	POUSE	
Occupation	Disabled / Part Time Book Keeper			
Name of Employer	Hamlet Cleaners, Inc. (part time)			
How long employed				
Address of Employer	3116 W. Leigh St. Richmond, VA 23230			
	ge or projected monthly income at time case filed)	DEBT	OR	SPOUSE
	y, and commissions (Prorate if not paid monthly)	\$	81.25 \$	N/A
2. Estimate monthly overtime		\$	0.00 \$	N/A
3. SUBTOTAL		\$	81.25 \$	N/A
4. LESS PAYROLL DEDUCT				
a. Payroll taxes and socia	al security	\$	4.60 \$	N/A
b. Insurancec. Union dues		\$	0.00 \$	N/A N/A
d. Other (Specify):		\$	0.00 \$ 0.00 \$	N/A N/A
d. Other (Specify).			0.00 \$	N/A
		<u> </u>		1471
5. SUBTOTAL OF PAYROL	L DEDUCTIONS	\$	4.60 \$	N/A
6. TOTAL NET MONTHLY	ТАКЕ НОМЕ РАЧ	\$	76.65 \$	N/A
	tion of business or profession or farm (Attach detailed staten	nent) \$	0.00 \$	N/A
8. Income from real property		\$	0.00 \$	N/A
9. Interest and dividends		\$	0.00 \$	N/A
10. Alimony, maintenance or sidependents listed above 11. Social security or governm	support payments payable to the debtor for the debtor's use of	\$	0.00 \$	N/A
	ecurity / Disability	\$	920.00 \$	N/A
(Specify).	ecurity / Disability		0.00 \$	N/A
12. Pension or retirement inco	ome	<u> </u>	0.00 \$	N/A
13. Other monthly income				
(Specify): See Deta	illed Income Attachment	\$ 1, 1	100.00 \$	N/A
14. SUBTOTAL OF LINES 7	THROUGH 13	\$	020.00 \$	N/A
15. AVERAGE MONTHLY I	NCOME (Add amounts shown on lines 6 and 14)	\$\$	96.65 \$	N/A
16. COMBINED AVERAGE	MONTHLY INCOME: (Combine column totals from line 1	5) \$ _	2,09	6.65

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 8 of 13

B6I (Off	icial Form 6I) (12/07)			13-34828
In re	Dolly Anne Vaughan		Case No.	
		Debtor(s)		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) Detailed Income Attachment

Other Monthly Income:

Sewing	\$	100.00	\$ N/A
Errands and assistance for Horace Pace	\$	200.00	\$ N/A
Household Contribution from Son	\$	400.00	\$ N/A
Errands and assistance for Debbie Prince	\$	400.00	\$ N/A
Total Other Monthly Income	\$	1,100.00	\$ N/A

Case 13-34828-KLP Doc 2 Filed 09/06/13 Entered 09/06/13 10:55:39 Desc Main Document Page 9 of 13

B6J (Off	icial Form 6J) (12/07)			13_3/929
In re	Dolly Anne Vaughan		Case No.	13-34020
	_	Debtor(s)		

${\bf SCHEDULE\ J-CURRENT\ EXPENDITURES\ OF\ INDIVIDUAL\ DEBTOR(S)}$

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly		
expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22	2C.	
☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple expenditures labeled "Spouse."	ete a separate	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	603.91
a. Are real estate taxes included? b. Is property insurance included? Yes X No X No		
2. Utilities: a. Electricity and heating fuel	\$	200.00 75.00
b. Water and sewer c. Telephone	\$ \$	50.00
d. Other	\$ ———	0.00
3. Home maintenance (repairs and upkeep)	\$ 	25.00
4. Food	\$	425.00
5. Clothing	\$	25.00
6. Laundry and dry cleaning	\$	15.00
7. Medical and dental expenses	\$	40.00
8. Transportation (not including car payments)	\$	130.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	25.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)	¢.	0.00
a. Homeowner's or renter's	\$	0.00
b. Life c. Health	\$ 	0.00
d. Auto	\$	66.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)	· 	
(Specify) Personal Property Tax	\$	10.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	202.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other	\$	0.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	1,891.91
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME	-	
a. Average monthly income from Line 15 of Schedule I	\$	2,096.65
b. Average monthly expenses from Line 18 above	\$	1,891.91
c. Monthly net income (a. minus b.)	\$	204.74

BB&T - BK BankruptcySection/100-50-01-51 P.O. Box 1847 Wilson, NC 27894

Bob Whitaker Motors 8601 Brook Road Glen Allen, VA 23060

Bon Secours St. Mary's Hopsital 5801 Bremo Road Richmond, VA 23226

Bon Secours St. Mary's c/o BCC Fin Mgmt POB 590067 Fort Lauderdale, FL 33359-0067

Cap One Po Box 5253 Carol Stream, IL 60197

Capital One c/o CCB 5300 S. 6th St. Springfield, IL 62703-5184

Ccs/bryant State Bank 124 West Main Avenue Bryant, SD 57221

Ccs/cortrust Bank 500 E 60th St N Sioux Falls, SD 57104

Chandler Pecoraro, PLC P.O. Box 17586 Richmond, VA 23226

Eastern Account System INC. Attn: Bankruptcy Dept. Po Box 837 Newtown, CT 06470

Farmers Insurance Group c/o Credit Collection Svs Two Wells Ave Newton Center, MA 02459

Farmers Insurance Group 10800 Midlothian Tpke #129 North Chesterfield, VA 23235

First Premier Bank 601 S Minnesota Ave Sioux Falls, SD 57104

Franklin Credit Management 101 Hudson Street 25th Floor Jersey City, NJ 07302

Ginnys/Swiss Colony Inc Attn: Bankruptcy 1112 7th Ave Monroe, WI 53566

Henrico County Public Library c/o Unique National Collectors 119 E. Maple St. Jeffersonville, IN 47130

M&T Bank c/o Mercantile 35A Rust Lane Boerne, TX 78006-8202

Mid America Bank & Trust Co. c/o Total Card, Inc. POB 90340 Sioux Falls, SD 57109

Midland Funding 8875 Aero Dr San Diego, CA 92123

Montgomery Ward 1112 7th Ave Monroe, WI 53566

Montgomery Ward c/o Tri-State Adjustments POB 3219 La Crosse, WI 54602-3219

Nco Fin /99 Po Box 15636 Wilmington, DE 19850

Plains Commerce Bank 5109 S Broadband Ln Sioux Falls, SD 57108

Premier Bancard - BK Premier / CSI - Dept SDPR P.O. Box 2208 Vacaville, CA 95696

Sallie Mae Attn: Claims Department Po Box 9500 Wilkes-Barre, PA 18773

Sallie Mae Guarantee Services Attn: Deposit Operations 8303 PO Box 7167 Indianapolis, IN 46206-7167

Seventh Ave 1112 7th Ave Monroe, WI 53566

Seventh Aveue c/o Professional Recovery Cons 2700 Meridian Pkwy, Ste 200 Durham, NC 27713-2204

Swiss Colony c/o Account Control Systems 148 Veterans Dr, Ste D Northvale, NJ 07647-2311

Verizon Wireless Attn: Bankruptcy Po Box 3397 Bloomington, IL 61702

Verizon Wireless c/o EOS CCA POB 296 Norwell, MA 02061-0296

Wells Fargo Bank - BK MAC - Z3057-012 R1 Payments POB 45038 Jacksonville, FL 32232-5038

Wells Fargo Bank NA c/o Franklin Credit Mgmt POB 5147 Carol Stream, IL 60197-5147